



AZ POST
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The Arizona Peace Officer Standards and Training Board (AZ POST) has the legislative mandate to establish and enforce the physical, mental, and moral fitness standards for all peace officers in the state. This charge, to protect the public by overseeing the integrity of Arizona's law enforcement officers, is met by reviewing cases and taking action against the certification of individuals who violate the AZ POST Rules. The following is a summary of some of the actions taken by the Arizona Peace Officer Standards and Training Board at its **January thru March 2002**, public meetings. These actions are not precedent setting, in the sense that similar cases will end with the same result, because each case is considered on its individual facts and circumstances. Having said that, this Bulletin is being published to provide insight into the Board's position on various types of officer misconduct. As always, the Compliance Specialist for your agency is available to discuss any matter and to assist you with any questions you might have.

CASE NO. 1

DISHONESTY

Officer A was the only officer working at a small station on a holiday when the offices were closed. There was nothing going on in the streets and he was bored. He used a co-worker's computer to look at some pornographic sites on the Internet. When the regular user of the computer logged on later, an icon she did not recognize came up. When she clicked on it, an internal investigation was born. Officer A was interviewed and admitted he looked at some pornography on the computer. He minimized the manner in which he accessed the pornography and was not forthcoming about some of the tangential details of his computer use. His department terminated his employment and the Board entered into a consent agreement with him for a one year suspension of certification.

CASE NO. 2

SEXUAL MISCONDUCT

Officer B was a field training officer to a new officer. They became involved in a brief, limited sexual encounter one night. Some time later, Officer B took a polygraph examination during a hiring process with another agency. During the pre-test he disclosed the misconduct. That potential hiring agency told the employing agency and AZ POST about the misconduct. The employing agency terminated the officer's employment. The Board entered into a consent agreement with Officer B, calling for a one-year suspension. The Board found mitigation in that the officer voluntarily disclosed the misconduct, and aggravation in the fact that he was the FTO of the other officer, charged with the duty to teach the new officer how things should be done.

CASE NO. 3

WILLFUL FALSIFICATION TO OBTAIN CERTIFICATION

Officer C put the wrong date on his initial application for certification for his last use of marijuana. He did not know that he would be ineligible for certification if he had used marijuana within the past three years, but he nonetheless indicated his last use was at 14 years of age, when in fact, he had last used marijuana just under two years before his application. The total number of marijuana uses was

consistently reported and verified by polygraph to be five or six times. The Board determined that his intent was not to obtain certification before he was qualified, but to minimize the recency of his clearly experimental use. The Board suspended Officer C's certification for a period of 18 months for providing false information on his POST personal history form.

CASE NO. 4

DISHONESTY

Officer D posted a photograph of her ex-boyfriend, the father of her child, in the department officer's report room, with the comment, "This is my abuser if you see him following me call police." She posted an additional photo in her locker and left the door open. During an internal investigation, she was asked whether she intentionally left her locker door open so that other people could see the photo. She responded that she left it open because she was moving out of the locker. About a week after the interview, information surfaced that Officer D had told another officer that she had left the locker door open because she wanted her ex-boyfriend's new girlfriend to see it. Officer D was called in for another interview. She again denied having the specified intent. She was told that a polygraph would be scheduled. Two hours later, she recanted her earlier denial and admitted that her intent was to allow other people to see the photo. Officer D resigned her position, deciding it was best to start over in another town away from her ex-boyfriend and his family. The Board considered the fact that the investigation did not involve her duties or authority as a peace officer. It also considered that she freely admitted the actions. It questioned what materiality the intent behind those actions had, except to the employer. The Board suspended Officer D's certification for a period of six months.

CASE NO. 5

THEFT/DISHONESTY

Officer E had worked as an Arizona peace officer since September, 1996. In March of 1999, the department received an anonymous letter stating that he might have stolen an expensive television set at the place of his former employment, an out of state university. Detectives determined that a large screen television in Officer E's home was in fact the same one reported as stolen from the university a few days before he left its employ. The TV, worth about \$2700.00, was stolen from a location at the university under Officer E's responsibility and to which he had a set of keys. He told investigators that he had purchased the set from a particular individual for \$200.00. He denied knowing how to reach the individual and said he thought he had moved to Thailand. In fact, Officer E had been in e-mail contact with the individual in Switzerland. An administrative law judge in the Office of Administrative Hearings, found that Officer E had committed an offense of dishonesty by knowingly controlling the TV, malfeasance by lying to investigators and that the conduct would tend to diminish public trust in the law enforcement profession. The Board revoked Officer E's certification.

CASE NO. 6

COMMISSION OF A FELONY/WILLFUL FALSIFICATION

Mr. F had been hired as a peace officer trainee and was awaiting the start of an academy. The department reviewed his background investigation and noticed that a previous employer had not responded to their request for information. The department contacted the employer and learned that the reason he had not responded was that after receiving the inquiry, Mr. F had contacted him and said he was moving to New York. The employer believed that responding was no longer needed. The employer related that in 1995, Mr. F had failed to make several business deposits amounting to \$8,373.20, and instead used the money to get his brother out of jail. Mr. F and the employer made a written agreement for repayment in monthly installments by the end of 1997. Mr. F still owes about \$1,400.00. On the POST personal history form, he denied ever committing a felony. On the

department's application he denied ever stealing money from an employer and ever committing or participating in the commission of a felony. The Board denied Mr. F certification for falsifying his personal history form and for committing a felony and an offense involving dishonesty.

CASE NO. 7

WILLFUL FALSIFICATION TO OBTAIN CERTIFICATION

Officer G originally became certified in 1993. On the personal history form, he indicated that he had not used any illegal drug. He had in fact used marijuana fewer than ten times and speed fewer than ten times. At the time of his certification, the actual use amounts would not have disqualified him from certification. Officer G served admirably from 1993 to 2000, when he took a one year contract for overseas work. When he returned in 2001, he applied to reactivate certification. He was truthful on the 2001 personal history statement. The Board accepted a consent agreement calling for 18 months suspension, from the date he left the agency's employ. At the end of the suspension, Officer G must be hired by a department willing to petition the Board to determine if his use of methamphetamine was experimental in order to have his certification reactivated.

CASE NO. 8

THEFT

A white shepherd dog, believed to have been abandoned was brought into the police station. Animal control responded to pick up the dog, but Officer H persuaded the officer to allow her to take the dog home. Days later, the dog's owners asked the department about the dog and were told by the dispatcher that it had been taken to the animal shelter. Officer H became aware that the rightful owners were looking for the dog, but she kept it as a personal pet. Two or three years later, Officer H separated from her husband. In apparent retaliation, he notified the department that she had kept the dog even after becoming aware of the dog owner's identity. When questioned by internal affairs, Officer H explained that she took the dog believing it to be a stray. When she discovered the owners, she justified keeping the shepherd due to her belief that the dog had been abused because it had several small cuts and a limp. The owners got their dog back and declined to file a criminal complaint against Officer H. Officer H resigned from her department and made no defense of her conduct in the POST proceeding. The Board revoked her peace officer certification for committing a crime involving dishonesty, malfeasance and conduct that would tend to diminish public trust in the law enforcement profession.

CASE NO. 9

THEFT

Ranger I skimmed small amounts of money from park entrance fees. While under surveillance, Ranger I shorted the cash box \$20.00 one day and \$15.00 the next. She was placed on administrative leave and a few days later, she entered the park and gave supervisors a check to pay for items she had taken from the gift shop "on credit." They were not previously aware that she had taken the items and "credit" was not permitted. Then she resigned. The Board revoked her certification for theft.

CASE NO. 10

COMMISSION OF A FELONY/SEXUAL CONDUCT WITH A MINOR

Officer J had sexual contact with a 15 year old girl. The Board revoked his certification for committing a felony.

CASE NO. 11

DOMESTIC VIOLENCE

Sergeant K assaulted his wife. He was intoxicated one night when he pushed her to the ground and punched and kicking her in the area of the head. The next day he became drunk again and as the violence escalated, the wife tried to call police. Sergeant K took the telephone handset from her and began striking her with it. He then struck her more and placed her in a choke hold. When he released her, she left the house and reported the incidents. The Board revoked Sergeant K's certification for committing crimes involving physical violence and conduct that would jeopardize public trust in the law enforcement profession.

CASE NO. 12

MALFEASANCE & DISHONESTY

Corporal L issued citations to a driver for failure to stop at a stop sign and driving on a suspended license. Less than 30 minutes later, a deputy stopped the same driver and noted obvious signs of intoxication, including watery and bloodshot eyes, slurred speech and slow actions. An investigation ensued to determine why Corporal L released the citizen to the streets. The Corporal said he had conducted field sobriety tests, searched the vehicle and was told the driver had two beers. He said he concluded the driver was not impaired. He also said when the driver left the scene, he followed him to the residence where the female passenger lived. The driver denies that Corporal L administered any FST's, conducted a search, or followed him after the stop. A voice stress analysis on the Corporal indicated deception. The agency terminated his employment. The Board alleged a failure to conduct a proper investigation and telling internal affairs that he had performed such an investigation when he had not. Corporal L did not deny the allegations. The Board revoked his certification for malfeasance in office.

During the December 2001 through March 2002 meetings, the Board considered 16 cases where no complaint was issued because the allegation could not be proven or the action did not rise to a level requiring Board action. The misconduct reported in those cases included:

- Being the subject of a mistaken assault report
- Failure to report for duty
- Selling a weapon before the court order had officially released it for sale
- Disabling a vehicle by puncturing tires (no criminal intent)
- Having improper physical contact with a female at an off duty job
- Trespassing into an ex-wife's home to retrieve belongings
- Passively resisting arrest for DUI
- Off duty DUI
- An applicant's pre-employment misuse of a credit card
- An isolated instance of failing to properly impound evidence
- Misstatement of sequence of events in a report
- A probable lie to a supervisor about a phone call regarding an off duty job
- Use of a pressure point restraint by an officer to keep his estranged wife from approaching his girlfriend
- Forcefully removing a phone from wife's hand
- An applicant receiving a pre-employment, out of state citation for the petty offense of possession of marijuana, 10 years prior to applying for certification.

There was also one mandatory revocation for the conviction of a felony.

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